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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,517

07/27/2006

Noriyoshi Sonetaka

04880013AA

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7590

07/09/2010

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EXAMINER

OBISESAN, AUGUSTINE KUNLE

ART UNIT

PAPER NUMBER

2156

MAIL DATE

DELIVERY MODE

07/09/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,517	Applicant(s) SONETAKA, NORIYOSHI	
	Examiner AUGUSTINE OBISESAN	Art Unit 2156	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 - 4, 6 - 12, and 23 - 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 - 4, 6 - 12, and 23 - 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the action filed on 6/11/2010, in which claims 2 - 4, 6 - 12, and 23 - 26 are presented for further examination.

Response to Arguments

2. Applicant's arguments filed 6/11/2010 have been fully considered but they are not persuasive. (see Remarks below).

Remarks

3. As per amended claim 23, applicant argues in substance in pages 9 – 10 that the Britt Jr. et al (US 2002/0032785) and Dosch (US 2002/0069364), either alone, or in combination does not disclose portal site data providing device taking over information transmission/reception between the portable terminal and the portal managing server.

Examiner respectfully disagrees.

In response to applicant's argument, Examiner respectfully responds that Britt Jr. et al (US 2002/0032785) and Dosch (US 2002/0069364) fully disclose each and every feature of claim 23 including the feature of portal site data providing device taking over information transmission/reception between the portable terminal and the portal managing server (fig.4 and para.[0046]; *GSM system transmitting user identification to portal server and receiving validated information from portal server*).

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Applicant argues in substance in pages 9 – 10 that the obviousness rejection are impermissible hindsight reconstruction and nor based on how a person of “ordinary skill in the art at the time of the invention would have actually thought.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Britt Jr. teaches system for providing access to a server by wireless computing device while Dosch teaches internet terminal that provides access to information server. Identification modules (SIM) which can be designed as contact-type chip card or as a contactless transponder are inserted into the internet terminal, configuration data are retrieved from the inserted SIM card and the retrieved information are used to provide access to the information server. One of ordinary skill in the art would be motivated to combine Britt Jr. and Dosch because both teaching as explained above clearly show that both are directed to the same problem and same field of endeavor.

The internet terminal can be suited at home or office (para.[0031]). Thus, Examiner interprets internet terminal as equipment that can be place for used at shop/store as claimed.

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4. Thus, Examiner maintains the rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23, 6 – 12, and 24 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britt Jr. et al (US 2002/0032785), in view of Dosch (US 2002/0069364).

As per claim 23, Britt Jr. discloses,

A portal site data providing system for reading an ID from a memory card of a portable terminal (abstract, para.[0009], and para.[0040]) where server using the identification module on wireless computing device to identify use is “portal site data providing device for reading an ID from a memory card of a portable terminal” as claimed.

receiving a user-input portal specifying information and storing in the memory card of the portable terminal a portal site address for the portable terminal to subsequently access a portal site built according to the user-input portal

specifying information (para.[0021], para.[0025], and para.[0044] – para.[0046])

where wireless computing device storing and processing user-specified information is

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“receiving a user-input portal specifying information and storing in the memory card of the portable terminal a portal site address for the portable terminal to subsequently access a portal site ” as claimed.

comprising: a portal site data providing device having a display functioning as a user input and a card reader/writer for reading/writing data from/to the memory card when the memory card is inserted in the card reader/writer (para.[0044] – para.[0046]) where

and a portal managing server connected to the portal site data providing device via a network (para.[0019] – para.[0020]) where portal server retrieving user specified information from other server is “portal managing server connected to the portal site data providing device via a network” as claimed.

the portal site data providing device reading the ID from a memory card inserted in the card reader/writer and transmitting the ID to the portal managing server for authentication by the portal managing server (para.[0044] – para.[0048]) where portal server validating identification data on SIM card is “portal site data providing device reading the ID from a memory card inserted in the card reader/writer and transmitting the ID to the portal managing server for authentication by the portal managing server” as claimed.

the portal site data providing device taking over information transmission/reception between the portable terminal and the portal managing server (fig.4 and para.[0046]) where GSM system transmitting user identification to portal server and receiving validated information from portal server is “portal site data

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providing device taking over information transmission/reception between the portable terminal and the portal managing server” as claimed.

further including: a data reading/writing processing unit for reading/writing data from/to the memory card of the portable terminal inserted in the card

reader/writer, the data reading/writing processing unit arranged to read the ID

from the memory card (para.[0044] – para.[0048]) where GSM system validating the

SIM is “further including: a data reading/writing processing unit for reading/writing data from/to the memory card of the portable terminal inserted in the card reader/writer, the data reading/writing processing unit arranged to read the ID from the memory card” as claimed.

a communication processing unit for transmitting the ID read from the memory card to the portal managing server (para.[0028] and para.[0044]) where

communication interface for transmitting identification information on SIM card to portal server is “communication processing unit for transmitting the ID read from the memory card to the portal managing server” as claimed.

a portal specifying information receiving device for receiving a user-input portal specifying information specifying user selection from among a plurality of portal

site content options generated by the portal managing server (para.[0018] -

para.[0021]) where computing device receiving user specified information is “portal specifying information receiving device for receiving a user-input portal specifying information specifying user selection from among a plurality of portal site content options generated by the portal managing server” as claimed.

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and a portal site data providing device for transmitting the user-input portal specifying information to the portal managing server and for receiving, from the portal managing server, a corresponding user-specific portal site address data indicating an address for the portable terminal to subsequently access the portal site specified by the user-input portal specifying information (para.[0018] - para.[0021], para.[0025], and para.[0033]) where server 110 generates a unique, personalized Web page for each user containing links to all, or a subset of, the information and/or services subscribed to by the user is “transmitting the user-input portal specifying information to the portal managing server and for receiving, from the portal managing server, a corresponding user-specific portal site address data indicating an address for the portable terminal to subsequently access the portal site specified by the user-input portal specifying information” as claimed.

wherein the data reading/writing processing unit is arranged to store the corresponding user-specific portal site address data appended to the ID read from the memory card in the memory card of the portable terminal (para.[0021] and para.[0044] – para.[0048]) where storing user data on SIM card is “the data reading/writing processing unit is arranged to store the corresponding user-specific portal site address data appended to the ID read from the memory card in the memory card of the portable terminal” as claimed.

and the portal managing server further including: a transmitting/receiving unit for performing transmission/reception of the data between portal managing server and the portal site data providing device (para.[0019] – para.[0020] where portal

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server retrieving specified information from other server is “portal managing server further including: a transmitting/receiving unit for performing transmission/reception of the data between portal managing server and the portal site data providing device” as claimed.

a user authentication unit for authenticating the ID read out from the memory card as identification data peculiar to the user (para.[0044] – para.[0048]) where validating identification module data from SIM card is “user authentication unit for authenticating the ID read out from the memory card as identification data peculiar to the user” as claimed.

a portal site building unit for building a portal site based on portal information supplied by the user (para.[0019] – para.[0020]) where server generating personalized web page based on user specified information is “portal site building unit for building a portal site based on portal information supplied by the user” as claimed.

a contents managing unit for managing website contents which can be contained in the portal site for the user (para.[0003] – para.[0005]) where managing portal data is “managing website contents which can be contained in the portal site for the user” as claimed.

and a respective user portal information storage unit showing configurations of portal sites for each user of the system (para.[0007] – para.[0008] and para.[0018]) where server including user database for storing user configuration and account data is “user portal information storage unit showing configurations of portal sites for each user of the system” as claimed.

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Britt Jr. does not specifically disclose the portal site data providing device being placed in a place visited by a user.

However, Dosch in an analogous art discloses, the portal site data providing device being placed in a place visited by a user (fig.3, para.[0026], and para.[0031]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate the teaching of Dosch into Britt Jr. to include the portal site data providing device being placed in a place visited by a user. The modification would be obvious because one of ordinary skill in the art would be motivated to provide a system that simplifies the establishment of a connection to the internet.

Claims 6 and 7 are device claim corresponding to device claims 2 and 4 respectively, and rejected under the same reason set forth in connection to the rejection of claim 2 and 4 respectively above.

As per claim 8, the rejection of claim 7 is incorporated and further Britt Jr. et al discloses,

wherein: the portal specifying information receiving device is arranged to receive website specifying information for selecting and specifying a website displayed on the display device (para.[0006] – para.[0008] - para.[0018] – para.[0021]) where specifying different types of information is ‘portal specifying information receiving device

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is arranged to receive website specifying information for selecting and specifying a website displayed on the display device” as claimed.

and the portal site data providing device comprises: a portal screen data building device arranged for building a portal screen data which shows display data related to an address data accessible to the website selected and specified according to the website specifying information received from the portal managing server (para.[0018] – para.[0021] and para.[0048]) where server generating personalized Web page is “building a portal screen data which shows display data related to an address data accessible to the website selected and specified according to the website specifying information” as claimed.

and wherein the address data storage device comprises a portal screen data storage device for storing the portal screen data built by the portal screen data building device in the memory card of the portable terminal through the data reading/writing device (para.[0018] – para.[0021]) where storing non-user-specified information in wireless computing device is “storing the portal screen data built by the portal screen data building device in the memory medium of the portable terminal through the data reading/writing device” as claimed.

As per claim 9, the rejection of claim 7 is incorporated and further Britt Jr. et al discloses,

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wherein: the portal specifying information receiving device is arranged to receive website specifying information for selecting and specifying a website displayed on the display device (para.[0018] – para.[0021] and para.[0048])

the portal site data providing device comprises a portal information transmitting device for transmitting the website specifying information as the portal information to the portal managing server which manages portal information of the user present on a network (para.[0018] – para.[0021], para.[0033], and para.[0039])

and the address data stored in the memory card of the portable terminal by the address data storage device is an address data accessible to a portal site built by the portal managing server according to the portal information transmitted to the portal managing server (para.[0006] – para.[008] and para.[0018] – para.[0021]).

As per claim 10, the rejection of claim 9 is incorporated and further Britt Jr. et al discloses,

wherein the portal information transmitting device is arranged to transmit an identification data specific to a user, which is inputted through the portal specifying information receiving device, to the portal managing server by including it in the website specifying information (para.[0009] and para.[0040]).

As per claim 11, the rejection of claim 9 is incorporated and further Britt Jr. et al discloses,

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comprising an identification data reading-out device for reading out identification data specific to a user being stored in advance in the memory card of the portable terminal through the data reading/writing device (para.[0009], para.[0040], and para.[0046])

wherein the portal information transmitting device is arranged to transmit the identification data read out by the identification data reading-out device to the portal managing server by including it to the website specifying information (para.[0009], para.[0040], and para.[0046]).

As per claim 12, the rejection of claim 24 is incorporated and further Britt Jr. et al discloses,

wherein the portable terminal is a GSM-type portable telephone, and the memory card of the portable terminal is a removable SIM card, and wherein the portal site data providing device includes a card reader/writer for receiving the removable SIM card and reading data from and writing data to the removable SIM card (para.[0044] – para.[0046])

Claim 24 is a method claim anticipating system claim 23, and rejected under the same reason set forth in connection to the rejection of claim 23 above.

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Claim 25 is a computer program product claim anticipating system claim 23, and rejected under the same reason set forth in connection to the rejection of claim 23 above.

6. Claims 26 and 2 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britt Jr. et al (US 2002/0032785), in view of Farrugia et al (US 2002/0100798), and further in view of Dosch (US 2002/0069364).

As per claim 26, Dosch discloses,

A portal site data providing device connected to a portal managing server via a /network (para.[0016] – para.[0019) where user devices connecting to server through network is “portal site data providing device connected to a portal managing server via a network” as claimed.

the portal site data providing device storing, in a memory card of a portable terminal, data which enables making an access to a portal site desired by a user or a portal site having a link to a desired website provided in advance by receiving it from another device without operating the portable terminal (para.[0027] – para.[0028]) where providing all the information necessary for connection ahead of time is “the portal site data providing device storing, in a memory card of a portable terminal, data which enables making an access to a portal site desired by a user or a portal site having a link to a desired website provided in advance by receiving it from another device without operating the portable terminal” as claimed.

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said portal site data providing device comprising: a display functioning as a user input device (fig.3)

a card reader/writer for reading/writing data from/to a storing area of a memory card of the portable terminal when the memory card is inserted in the card

reader/writer (para.[0020]) where smart card is equipped with card reader is “card reader/writer for reading/writing data from/to a storing area of a memory card of the portable terminal when the memory card is inserted in the card reader/writer” as claimed.

Britt Jr. et al discloses,

a data reading/writing processing unit for reading/writing data from/to the memory card of the portable terminal inserted in the card reader/writer, the data reading/writing processing unit arranged to read an ID from the memory card

(para.[0044] – para.[0048]) where GSM system validating the SIM is “portal site data providing device further including: a data reading/writing processing unit for reading/writing data from/to the memory card of the portable terminal inserted in the card reader/writer, the data reading/writing processing unit arranged to read the ID from the memory card” as claimed.

a communication unit for communicating with the portal managing server on the network and transmitting the ID read from the memory card to the portal

managing server for authentication (para.[0028] and para.[0044]) where

communication interface for transmitting identification information on SIM card to portal server is “communication unit for communicating with the portal managing server on the

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network and transmitting the ID read from the memory card to the portal managing server for authentication” as claimed.

a portal specifying information receiving device for receiving a user- input portal site specifying information specifying user selection from among a plurality of portal site content options generated by the portal managing server (para.[0018] - para.[0021]) where computing device receiving user specified information is “portal specifying information receiving device for receiving a user-input portal specifying information specifying user selection from among a plurality of portal site content options generated by the portal managing server” as claimed.

and a portal site data providing device for transmitting the user--input portal specifying information to the portal managing server and for receiving from the portal managing server, a corresponding user--specific portal site address data indicating an address for the portable terminal to subsequently access the portal site specified by the user-input portal specifying information (para.[0018] - para.[0021], para.[0025], and para.[0033]) where server 110 generates a unique, personalized Web page for each user containing links to all, or a subset of, the information and/or services subscribed to by the user is “transmitting the user-input portal specifying information to the portal managing server and for receiving, from the portal managing server, a corresponding user-specific portal site address data indicating an address for the portable terminal to subsequently access the portal site specified by the user-input portal specifying information” as claimed.

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wherein the data reading/writing processing unit is arranged to store the corresponding user-specific portal site address data appended to the ID read from the memory card in the memory card of the portable terminal (para.[0021] and para.[0044] – para.[0048]) where storing user data on SIM card is “the data reading/writing processing unit is arranged to store the corresponding user-specific portal site address data appended to the ID read from the memory card in the memory card of the portable terminal” as claimed.

It would have been obvious to Farrugia with Britt Jr., because one of ordinary skill in the art would be motivated to deploy smart card based application without requiring installation of smart card reader at all the various location from which user might desire to access the application.

Neither Britt Jr. nor Farrugia specifically discloses wherein the display, the card reader/writer, the data reading/writing processing unit, the communication unit, the portal specifying information receiving device, and the portal site data providing device which comprise the portal site data providing device are places such as a portable telephone shop, a convenience store, and the like where a user goes. However, Dosch in an analogous art discloses the above limitation (para.[0012] and para.[0031]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate the teaching of Dosch into the combine teaching of Britt Jr. and Farrugia to include wherein the display, the card reader/writer, the data reading/writing processing unit, the communication unit, the portal specifying information receiving device, and the portal site data providing device which comprise

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the portal site data providing device are places such as a portable telephone shop, a convenience store, and the like where a user goes. The modification would be obvious because one of ordinary skill in the art would be motivated to provide a system that simplifies the establishment of a connection to the internet.

As per claim 2, the rejection of claim 26 is incorporated and further Britt Jr. et al discloses,

wherein the display device displays portal contents information showing the contents of various portal sites (para.[0006] – para.[0007]) where displaying various information on a single web page is “displaying portal contents information showing the contents of various portal sites” as claimed.

the display device being arranged to read the portal contents information from a portal contents information storage apparatus in which the portal contents information is stored in advance (para.[0006] – para.[0007] and para.[0018] – para.[0019]) where retrieving pre-configure information is “read the portal contents information from a portal contents information storage apparatus in which the portal contents information is stored in advance” as claimed.

As per claim 3, the rejection of claim 26 is incorporated and further Britt Jr. et al discloses,

wherein the portable terminal is a GSM-type portable telephone, and the memory card of the portable terminal is a SIM card (para.[0044]).

As per claim 4, the rejection of claim 2 is incorporated and further Britt Jr. et al discloses,

wherein the portal contents information stored in the portal contents information storage apparatus is information regarding various websites which can be accessed in advance through the portal site (para.[0018] – para.[0021]).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AUGUSTINE OBISESAN whose telephone number is (571)272-2020. The examiner can normally be reached on 7:30 AM - 5:00 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on 571-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

7/8/2010

/Augustine Obisesan/
Examiner, Art Unit 2156

/Pierre M. Vital/
Supervisory Patent Examiner, Art Unit 2156